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WILMA W. BUNBURY,	:
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Plaintiff,	:
	:
	:
-v-	:
	:
COMMISSIONER OF SOCIAL SECURITY,	:
	:
Defendant.	:
	:
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	18-CV-10722 (JMF) (KNF)
	<u>ORDER ADOPTING</u>
	<u>REPORT AND</u>
	<u>RECOMMENDATION</u>

The Court referred the cross-motions for judgment on the pleadings in this Social Security case to Magistrate Judge Fox for a Report and Recommendation. *See* ECF No. 7. In a Report and Recommendation filed on November 25, 2019, Magistrate Judge Fox recommended that Defendant's motion be denied and Plaintiff's motion be granted. *See* ECF No. 24.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections and warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 24, at 10-11. In addition, the Report and Recommendation expressly called Defendant's attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Defendant waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds Magistrate Judge Fox's reasoning regarding the administrative law judge's errors to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety. Plaintiff's motion for judgment on the pleadings is GRANTED, Defendant's motion is DENIED, and this matter is remanded to the Commissioner for further proceedings. The Clerk of Court is directed to terminate ECF Nos. 18 & 22 and to close the case.

SO ORDERED.

Dated: December 13, 2019
New York, New York



JESSE M. FURMAN
United States District Judge